

## Exhibit 16

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.  
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Motion for Summary  
Judgment as to Defendant Dey

Napa, CA

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY

AVERAGE WHOLESALE PRICE LITIGATION

----- Volume 2

THIS DOCUMENT RELATES TO: MDL NO. 1456 Civil

The City of New York, et al., Civil Action

v. No. 01-12257-PBS

Abbott Laboratories, et al.

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THIS DOCUMENT RELATES TO:

State of California, et al.

Ven-A-Care v. Abbott Laboratories,

Inc., et al., Case No.

03-cv-11226-PBS,

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JULY 9, 2008

DEPOSITION OF DEY, L.P. AND DEY, INC.

BY GARY WALKER

VOLUME II, PAGES 291 THROUGH 487

Reported By: WENDY L. VAN MEERBEKE, CSR No. 3676

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Napa, CA

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1 MS. GIULIANA: Same objection.

2 THE WITNESS: I'm not certain exactly,  
3 but I'm fairly certain that at every month end at  
4 least it is.

5 MR. WINGET-HERNANDEZ:

6 Q. Okay. And who is it typically within Dey  
7 that requests the report of average sale price --  
8 internal average sale price?

9 A. I'm not certain who's the users, but I  
10 know Pam Marrs is always interested in that, and  
11 I'm sure other departments, too.

12 Q. Have you discussed with Ms. Marrs what  
13 her particular interest is in monthly ASPs?

14 A. No.

15 Q. Has Ms. Marrs spoken to you about her  
16 requirements or preferences in connection with the  
17 calculation of Dey's internal ASP?

18 MS. GIULIANA: Objection to the form.

19 THE WITNESS: I don't recall any direct  
20 conversations about that.

21 MR. WINGET-HERNANDEZ:

22 Q. What conversations do you remember about